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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,654	04/04/2001	Brian Edward Frazier	10004039-1	3431

7590

04/21/2004

AGILENT TECHNOLOGIES
Legal Department, 51U-PD
Intellectual Property Administration
P.O. Box 58043
Santa Clara, CA 95052-8043

EXAMINER

COURTENAY III, ST JOHN

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,654

Applicant(s)

FRAZIER ET AL.

Examiner

St. John Courtenay III

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119


- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.


ST. JOHN COURTENAY III
PRIMARY EXAMINER

Detailed Action

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Gloudeman et al.** (U.S. Patent 6,119,125).

As per independent claim 1:

Gloudeman teaches a software system, comprising:

- latch layer having a latch object for each of a set of control points of a hardware system, each latch object providing a common interface in the software system for accessing the corresponding control point [e.g., see "Latch Object", col. 13, line 54 and associated discussion; the plurality of latch objects disclosed by Gloudeman inherently comprise a "latch layer"];
- hardware control layer [see hardware discussion col. 4, lines 18-30 having a hardware control object [see "hardware object" col. 4, line 19] for each of a set of sub-portions of the hardware system, each hardware control object for coordinating accesses to the control points of the corresponding sub-portion through the latch layer [see

control layer standard objects, col. 4, discussion beginning line 39; see "Latch Object", col. 13, line 54 and associated discussion].

As per claim 2:

Gloudeman teaches each latch object includes a locking mechanism for the corresponding control point [see "Latch Object", col. 13, line 54 and associated discussion].

As per claim 3:

Gloudeman teaches each latch object is controlled by only one of the hardware control objects [see "Latch Object", col. 13, line 54 and associated discussion].

As per claim 4:

Gloudeman teaches each latch object includes a method which is adapted to alter a value applied to the corresponding control point according to a hardware implementation of the corresponding control point [see "Latch Object", col. 13, line 54 and associated discussion].

As per claim 5:

Gloudeman teaches each hardware control object [see hardware objects col. 4, and control layer objects, line 19, col. 4, line 39] is adapted to handle interdependencies among the corresponding control points [e.g., see "control layer standard objects" and associated discussion beginning col. 4, line 39].

As per claim 6:

Gloudeman teaches an access layer having an access object for each of a set of groupings of the sub-portions, each access object coordinating accesses to the corresponding grouping of the sub-

portions [e.g., see "Access object" and associated discussion beginning col. 19, line 20].

As per claim 7:

Gloudeman teaches each access object is adapted to handle interdependencies among the sub-portions of the corresponding grouping of the sub-portions [e.g., see "Access object" and associated discussion beginning col. 19, line 20].

As per claim 8:

Gloudeman teaches each hardware control object is controlled by only one of the access objects [e.g., see "Access object" and associated discussion beginning col. 19, line 20].

As per claim 9:

Gloudeman teaches an orchestration layer having an orchestration object [e.g., see "Access Key Object" col. 19, line 38] for each of a set of functional features of the hardware system, each orchestration object providing a common interface in the software system for accessing a corresponding grouping of the access objects which are associated with the corresponding functional feature [e.g., see "Access Key Object" and associated discussion col. 19, line 38].

As per claim 10:

Gloudeman teaches each orchestration object is adapted to handle interdependencies among the access objects of the corresponding grouping of the access objects [e.g., see "Access Key Object" and associated discussion col. 19, line 38].

As per claims 11 & 12:

Gloudeman teaches each access object is controlled by one or more of the orchestration objects and each orchestration object controls one or more of the other orchestration objects [e.g., see "Access Key Object" and associated discussion col. 19, line 38];

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see "Access Key Object" and associated discussion col. 19, line 38].

Prior Art not relied upon:

Please refer to the references listed on the attached PTO-892 which are not relied upon in the claim rejections detailed above.

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How to Contact the Examiner:

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **St. John Courtenay III** whose voice telephone number is **(703) 308-5217**. A voice mail service is also available at this number. Normal Flex work schedule: M – F 7:30 AM - 4:00 PM

- **All responses sent by U.S. Mail should be mailed to:**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Patent Customers advised to FAX communications to the USPTO

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/faxnotice.pdf>

Effective Oct. 15, 2003, ALL patent application correspondence transmitted by FAX must be directed to the new PTO central FAX number:


**NEW PTO CENTRAL FAX NUMBER:
703-872-9306**

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- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (703) 305-3900.**

Please direct inquiries regarding fees, paper matching, and other issues not involving the Examiner to:

Technical Center 2100 CUSTOMER SERVICE: 703 306-5631

The Manual of Patent Examining Procedure (MPEP) is available online at:
<http://www.uspto.gov/web/offices/pac/mpep/index.html>


**ST. JOHN COURTENAY III
PRIMARY EXAMINER**